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10/806,506	03/23/2004	David James Gemmell	MSFT-2953/307469.1	2744

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,506

Applicant(s)

GEMMELL ET AL.

Examiner

ECE HUR

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to Response/Arguments filed on June 30, 2009.

Status of Claims

Claims 1-14, 16-29 are pending in the case. Claim 1 is independent Claim.
Claims 1-14, 16-29 are rejected under 35 U.S.C. 103(a).

Response to Arguments

Applicant's arguments filed June 30, 2009 have been fully considered but they are not persuasive. Applicant argued:

1) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

2) Applicant argues amended Claims. See rejection details for amended Claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 6, 7, 8, 9, 12, 13, 17, 18, 19, 20, 21, 25, 27, 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao, US 20050114800 in view of Knight, US 20040049533 in further view of Nayeri, US 6,957,398.

Regarding Claim 1, Rao discloses the claimed aspect of a method of implementing an idle mode on a computing device, the idle mode for presenting

personal digital content on the computing device in a passive manner to an individual and allowing the individual to manage the presented content:

selecting a collection of content to be serially presented;

ordering the selected collection of content based on an ordering criteria; and presenting each piece of content in the collection in order for a predetermined period of time, the method further comprising, during the presenting of each piece of content in the collection: awaiting a trigger from the individual at the computing device corresponding to an active form of managing the piece of content; receiving such trigger from the individual; receiving actively and passively collected information corresponding to the trigger from the individual; and storing all collected information in a memory, wherein a method and system for arranging and playing media objects in a media presentation. The system enables a user to select and order media objects, such as sound files, image files, animations, and text into a media presentation. The media presentation is then associated with a trigger or other interrupt event. Upon an occurrence of the event, the system plays the media presentation on the system's output devices. In one example of the system, the selected media files, ordering information, and other properties are assembled into a media package. The media package may be published to a remote device so that a remote device may play the media presentation. (Rao, Page 1, Paragraph 0007).

Furthermore, a user selects a sequence of images from an image file stored on the phone. The user places the images into a desired order, and in some cases may be enabled to specify, for example, durations, timings, and transitions for the selected

images. Depending on specific configurations, the user may also specify and sequence other media objects, such as sound files, text, or animations. The selected and ordered images (and other media objects if selected) are stored as a screensaver file. The screensaver file is associated with a screensaver event on the phone, which typically is set to trigger after a predetermined duration of inactivity. The phone then monitors for the screensaver event, and upon its occurrence, plays the customized screensaver. (Rao, Page 1, Paragraph 0008).

Rao does not specifically teach the claimed aspect of the method comprising the idle mode upon being initiated, however Knight discloses the claimed aspect, wherein interacting with screensaver is illustrated. (Knight, Abstract).

It would be obvious to one of ordinary skill in the art at the time of the invention to combine Rao's arranging media presentation for a screen saver with Knight's interactive screensaver concept because this allow the user to make different arrangements depending on user's specific needs.

Rao and Knight do not specifically teach the claimed aspect of collecting active and passive rating information for said collection content, however Nayeri discloses the claimed aspect, wherein each picture is rated. (Nayeri, Abstract). More specifically the rating could be performed actively by directly rating them or passively by personalizing his collection of images. Personalizing could be seen as a way of passive rating, wherein certain content is included or excluded. It would be obvious to one of ordinary skill in the art at the time of the invention to add the rating concept to Rao's

screensaver display arrangement and Knight's interactive screensaver concept because this would allow to share opinion with other users.

Regarding Claim 6, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Rao discloses the claimed aspect of comprising the idle mode receiving actively collected information corresponding to the trigger from the individual and comprising an organization of the piece of content, wherein a method and system for arranging and playing media objects in a media presentation. The system enables a user to select and order media objects, such as sound files, image files, animations, and text into a media presentation. The media presentation is then associated with a trigger or other interrupt event. Upon an occurrence of the event, the system plays the media presentation on the system's output devices. In one example of the system, the selected media files, ordering information, and other properties are assembled into a media package. The media package may be published to a remote device so that a remote device may play the media presentation. (Rao, Page 1, Paragraph 0007). Furthermore, a user selects a sequence of images from an image file stored on the phone. The user places the images into a desired order, and in some cases may be enabled to specify, for example, durations, timings, and transitions for the selected images. Depending on specific configurations, the user may also specify and sequence other media objects, such as sound files, text, or animations. The selected and ordered images (and other media objects if selected) are stored as a screensaver file. The screensaver file is associated

with a screensaver event on the phone, which typically is set to trigger after a predetermined duration of inactivity. The phone then monitors for the screensaver event, and upon its occurrence, plays the customized screensaver. (Rao, Page 1, Paragraph 0008).

Regarding Claim 7, most of the limitations have been met in the rejection of Claim 6. See the rejection of Claim 6 for details. Rao discloses the claimed aspect of comprising the idle mode receiving the organization of the piece of content selected from a group consisting of an organization of the piece of content within a directory-based system, an organization of the piece of content within a directed-graph-based system, and a combination thereof in FIG. 1, FIG. 3 wherein a directory of media files 21 is illustrated with sub files 58-64.

Regarding Claim 8, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Rao discloses the claimed aspect of comprising the idle mode receiving actively collected information corresponding to the trigger from the individual and comprising a relation of the piece of content to other information in FIG. 3, wherein media files 124, sound, animation, image information is related to each other in a batch process.

Regarding Claim 9, most of the limitations have been met in the rejection of Claim 8. See the rejection of Claim 8 for details. Rao discloses the claimed aspect of

comprising the idle mode receiving the relation of the piece of content selected from a group consisting of a relation to another piece of content, a relation to an application, a relation to information in a database, and combinations thereof in FIG. 3, wherein there is a relation between sound, animation and image in media files 124.

Regarding Claim 12, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Rao discloses the claimed aspect of comprising the idle mode detecting a trigger other than a trigger corresponding an active form of managing the piece of content and in response terminating such idle mode, wherein the display arrangement is performed other than the idle mode and the arrangement is saved to be triggered during idle mode. (Rao, Page 1, Paragraphs 0007, 0008).

Regarding Claim 13, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Rao discloses the claimed aspect of further comprising the idle mode during the presenting of each piece of content in the collection passively collecting relational information corresponding to the piece of content and storing the passively collected relational information in FIG. 4, wherein segment files are created for media files. (Rao, Page 1, Paragraphs 0007, 0008, 201, 200).

Regarding Claim 17, most of the limitations have been met in the rejection of Claim 13. See the rejection of Claim 13 for details. Rao discloses the claimed aspect of comprising the idle mode passively collecting an organization of the piece of content in FIG. 3 and FIG.4, wherein display arrangement organizes media files. (Rao, Page 1, Paragraphs 0007, 0008).

Regarding Claim 18, most of the limitations have been met in the rejection of Claim 13. See the rejection of Claim 13 for details. Rao discloses the claimed aspect of comprising the idle mode passively collecting a relation of the piece of content to other information in FIG. 4, wherein segment files are related to media files.

Regarding Claim 19, most of the limitations have been met in the rejection of Claim 18. See the rejection of Claim 18 for details. Rao discloses the claimed aspect of comprising the idle mode passively collecting a relation based on other actively collected information received from the individual in FIG. 4, wherein media files are related to segment files.

Regarding Claim 20, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Rao discloses the claimed aspect of comprising initiating the idle mode by one of a command from the individual and a period of inactivity, wherein the media presentation is associated with a trigger or interrupt. (Rao, Abstract).

Regarding Claim 21, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Rao discloses the claimed aspect of comprising selecting the collection of content to be serially presented from content available on the computing device in FIG. 2, FIG. 4 wherein set configuration illustrates the selection of order, 89, duration, 90 to display selectable, 88 text, images, sound and animation.

Regarding Claim 25, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Knight discloses the claimed aspect of comprising the idle mode awaiting and receiving a trigger selected from a group consisting of a keyboard entry on the computing device, a mouse entry on the computing device in FIG. 2, wherein interaction with screensaver is performed.

Applicant should duly note that an audible signal at the computing device detected by the idle mode, a visual signal at the computing device detected by the idle mode, and combinations thereof are typically and commonly used at the time of the invention.

Regarding Claim 27, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Rao discloses the claimed aspect of comprising the idle mode receiving the actively collected information as information

selected from a group consisting of text information, audible information, visual information, audio-visual information, and combinations thereof in FIG. 2, wherein the selected information is sound, images, animations, text. (Rao, FIG. 2, 88).

Regarding Claim 28, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Rao discloses the claimed aspect of comprising the idle mode including the collected information in a future presentation of the piece of content in FIG. 4 and FIG. 5, wherein display is arranged for future presentation.

Regarding Claim 29, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Rao discloses the claimed aspect of comprising the idle mode selecting a future collection of content to be serially presented based at least in part on the collected information in FIG. 2, FIG. 4, wherein the selected order and duration is serially presented.

Claims 2, 3, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao, US 20050114800 in view of Knight, US 20040049533, in further view of Nayeri, US 6,957,398, in further view of Herberger, US 7,352,952

Regarding Claim 2, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Rao discloses the claimed aspect of

comprising the idle mode receiving actively collected information corresponding to the trigger from the individual, wherein the user places the images into a desired order, and in some cases may be enabled to specify, for example, durations, timings, and transitions for the selected images. Depending on specific configurations, the user may also specify and sequence other media objects, such as sound files, text, or animations. The selected and ordered images (and other media objects if selected) are stored as a screensaver file. The screensaver file is associated with a screensaver event on the phone, which typically is set to trigger after a predetermined duration of inactivity. The phone then monitors for the screensaver event, and upon its occurrence, plays the customized screensaver. (Rao, Page 1, Paragraph 0008).

Rao, Knight and Nayeri do not teach specifically comprising an annotation to be included with the piece of content, however Herberger discloses the claimed aspect, wherein annotation with descriptions are illustrated. (Herberger, Abstract).

It would be obvious to one of ordinary skill in the art at the time of the invention to add Herberger's annotation concept to Rao's multimedia arrangement, Knight's interactive screen environment and Nayeri's rating concept because this allow the user to make remarks during rearrangement of media files.

Regarding Claim 3, most of the limitations have been met in the rejection of Claim 2. See the rejection of Claim 2 for details. Herberger discloses the claimed aspect of comprising the idle mode receiving an annotation selected from a group consisting of a text annotation (Herberger, Abstract). Applicant should duly note that an audible

annotation, a visual annotation, an audio-visual annotation, and combinations thereof typically and commonly used at the time of the invention.

Regarding Claim 14, most of the limitations have been met in the rejection of Claim 13. See the rejection of Claim 13 for details. The rejection for Claim 3 applies to Claim 14. See rejection details for Claim 3.

Claims 4, 5, 16, 22, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao, US 20050114800 in view of Knight, US 20040049533 in further view of Nayeri, US 6,957,398.

Regarding Claim 4, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Rao and Knight do not teach specifically the claimed aspect of comprising the idle mode receiving actively collected information corresponding to the trigger from the individual and comprising a rating to be included with the piece of content, however Nayeri discloses the claimed aspect, wherein each picture is rated. (Nayeri, Abstract). It would be obvious to one of ordinary skill in the art at the time of the invention to add the rating concept to Rao's screensaver display arrangement and Knight's interactive screensaver concept because this would allow to share opinion with other users.

Regarding Claim 5, most of the limitations have been met in the rejection of Claim 4. See the rejection of Claim 4 for details. Applicant should duly note that receiving a rating selected from a group consisting of an incremental rating, a decremental rating, a direct rating, and combinations thereof is typically and commonly well known at the time of the invention.

Regarding Claim 16, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. The rejection for Claim 4 applies to Claims 15 and 16. See rejection details for Claim 4.

Regarding Claim 22, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. The rejection for Claim 4 applies to Claim 22. See rejection details for Claim 4.

Regarding Claims 23 and 24, most of the limitations have been met in the rejection of Claim 22. See the rejection of Claim 22 for details. The rejection for Claim 5 applies to Claims 23 and 24. See rejection details for Claim 5.

Claims 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao, US 20050114800 in view of Knight, US 20040049533 in further view Sesek, US 20020196294.

Regarding Claim 10, most of the limitations have been met in the rejection of Claim 8. See the rejection of Claim 8 for details. Rao and Knight do not specifically teach the claimed aspect of comprising the idle mode receiving the relation of the piece of content to information in a personal organization database that maintains at least one of calendar information for the individual, personal information for other individuals known to the individual, business information for businesses known to the individual, and membership information on memberships of the individual, however Sesek discloses the claimed aspect, wherein calendar screensaver is illustrated. (Sesek, Abstract, FIG. 1, Mark as public or private to make it known to other individuals, 110).

It would be obvious to one of ordinary skill in the art at the time of the invention to combine Sesek's screensaver calendar with Rao's screensaver's arrangement and Knight's interactive screensaver concept because this would allow to mark individual's calendar as public to make it known to others.

Regarding Claim 11, most of the limitations have been met in the rejection of Claim 8. See the rejection of Claim 8 for details. Sesek discloses the claimed aspect of comprising the idle mode upon receiving the relation creating a reference between the piece of content and the other information in FIG. 3, wherein the content of the calendar is made public or private.

Claim 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao, US 20050114800 in view of Knight, US 20040049533 in further view of Hovell, US 5,905,971.

Regarding Claim 26, most of the limitations have been met in the rejection of Claim 25. See the rejection of Claim 25 for details. Rao and Knight do not teach the claimed aspect of the idle mode awaiting and receiving a trigger selected from a group consisting of an audible signal at the computing device detected by the idle mode and a visual signal at the computing device, and further comprising the idle mode recognizing the individual by way of the trigger and storing with the information an identification of the recognized individual, however Hovell discloses the claimed aspect of audio and visual signals used as identification (Hovell, Column 6, lines 10-20).

It would be obvious to one of ordinary skill in the art at the time of the invention to combine Rao's screensaver display arrangement and Knight interactive screen with Hovell's audio visual identification, because this would allow the system to keep record of the user.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Tarabella, US 5,796,945, "Idle time multimedia viewer method and apparatus for collecting and displaying information according to user defined indicia". 08/18/1998.

2) Judson, US 6,185,586, "Content display during idle time as a user waits for information during an internet transaction". 02/06/2001.

3) Krauss et al., US 6,067,087, "Method for building menus during idle times". 05/23/2000.

4) Knight, US 20040049419, "Advertising on an Interactive Screensaver". 03/11/2004.

5) Power et al., "Authoring Multimedia Documents using WYSIWYM Editing" ACM, Proceedings of the 18th conference on Computational linguistics - Volume 1, Saarbrücken, Germany, Pages: 222 - 228, Year of Publication: 2000.

6) Fitch et al., US 20050038749, "Method, system and apparatus for media distribution and viewing verification". 02/17/2005. sensor gather information about the viewer.

7) Robinson, US 5,918,014, "Automated collaborative filtering in world wide web advertising". 06/29/1999.

8) Toyama et al., US 20040070678, "System and Method for Exchanging images". 04/15/2004, image annotation and display another client's computer.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ECE HUR whose telephone number is (571) 270-1972. The examiner can normally be reached on Mon-Thurs 7:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM BASHORE can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 2, 2009

Ece Hur
E.H. /e.h.

/William L. Bashore/

Supervisory Patent Examiner, Art Unit 2175